



## **Town of Southern Shores**

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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ZTA-13-05

### **AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA**

#### **ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Southern Shores (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 36 of the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

**WHEREAS**, the Town finds that the public health, safety and welfare require the Town to periodically perform construction, repair, replacement and maintenance of Town owned, leased, operated or maintained facilities, which include, but are not limited to buildings, streets, utilities, beach accesses, multi-use paths and canals; and

**WHEREAS**, the Town finds that the temporary use of land by the Town or its agents to support the construction, repair, replacement and maintenance of Town owned, leased, operated or maintained facilities, which include, but are not limited to buildings, streets, utilities, beach accesses, multi-use paths and canals, is a reasonable and appropriate use of land in all zoning districts within the Town; and

**WHEREAS**, the Town finds that there is a large amount of Town maintained facilities within the Town; and

**WHEREAS**, the Town finds that there is limited access to many of those facilities; and

**WHEREAS**, the Town finds that there is an enormous amount of residential land in Town compared to a lack of land for staging and support of maintenance; and

1       **WHEREAS**, the Town finds that there is a great economic and logistical cost of  
2 staging outside of Town; and  
3

4       **WHEREAS**, the Town further finds that in accordance with the findings above it  
5 is in the interest of and not contrary to the public's health, safety, morals and general  
6 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of  
7 Ordinances as stated below.  
8

9       **ARTICLE II. Construction.**  
10

11 For purposes of this ordinance amendment, underlined words (underline) shall be  
12 considered as additions to existing Town Code language and strikethrough words  
13 (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the  
14 adopted Town Code which are not repeated herein, but are instead replaced by an ellipses  
15 ("...") shall remain as they currently exist within the Town Code.  
16

17       **ARTICLE III. Amendment of Zoning Ordinance.**  
18

19 NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern  
20 Shores, North Carolina, that the Town Code shall be amended as follows:  
21

22       **PART I.** That Section 36-168 [Temporary Uses] be amended as follows:  
23

24       **Sec. 36-168. Temporary Uses.**  
25

26       (4) Within any zoning district, the use of land by the Town or its agents to support  
27 the construction, repair, replacement, renovation, remodel, rehabilitation and  
28 maintenance of Town owned, leased, operated or maintained facilities, which  
29 include, but are not limited to buildings, streets, utilities, beach accesses, multi-  
30 use paths and canals, for a temporary period which reasonably corresponds to the  
31 duration of the project.  
32

33       **ARTICLE IV. Statement of Consistency with Comprehensive Plan and**  
34 **Reasonableness.**  
35

36 The Town's adoption of this ordinance amendment is consistent with the Town's adopted  
37 comprehensive zoning ordinance, land use plan and any other officially adopted plan that  
38 is applicable. For all of the above-stated reasons and any additional reasons supporting  
39 the Town's adoption of this ordinance amendment, the Town considers the adoption of  
40 this ordinance amendment to be reasonable and in the public interest.  
41

42       **ARTICLE V. Severability.**  
43

44 All Town ordinances or parts of ordinances in conflict with this ordinance amendment  
45 are hereby repealed. Should a court of competent jurisdiction declare this ordinance  
46 amendment or any part thereof to be invalid, such decision shall not affect the remaining

1 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the  
2 Town of Southern Shores, North Carolina which shall remain in full force and effect.

3  
4 **ARTICLE VI. Effective Date.**

5  
6 This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of  
7 \_\_\_\_\_, 2013.

8  
9  
10  
11 \_\_\_\_\_, Mayor

12  
13  
14  
15 ATTEST:

16  
17 \_\_\_\_\_  
18  
19 Town Clerk

20  
21  
22 APPROVED AS TO FORM:

23  
24  
25 \_\_\_\_\_  
26 Town Attorney

27  
28 Date adopted:

29  
30 \_\_\_\_\_  
31 Motion to adopt by Councilmember:

32  
33 Motion seconded by Councilmember:

34  
35  
36  
37 Vote: \_\_AYES\_\_NAYS